

MONDAY, JUNE 4, 2001

FORTY-SIXTH LEGISLATIVE DAY

The House met at 4:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Maddox.

Representative Maddox led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Odom; business reasons.

Representative Winningham; business reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 140: Rep(s). Davis (Washington) as prime sponsor(s).

House Resolution No. 141: Rep(s). Davis (Washington) as prime sponsor(s).

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House Bill No. 559: Rep(s). Johnson, Baird, Goins, McCord, Todd, Bittle, Scroggs and Sharp as prime sponsor(s).

House Bill No. 884: Rep(s). Kent, Cole (Carter), Patton and Ford as prime sponsor(s).

House Bill No. 1624: Rep(s). Langster as prime sponsor(s).

**MESSAGE FROM THE GOVERNOR
June 1, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 991, per your request.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR
June 4, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 746, 1651 and 1896, without his signature.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR
June 4, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 433, 435, 436, 437, 438, 439, 440, 442, 443, 444, 445, 446, 447, 448, 449, 450, 452, 453, 454, 455, 456, 457, 458, 459, 461, 462, 463, 465, 466, 467, 468, 469, 470, 471, 473, 474, 492 and 493, with his approval.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE SENATE
June 4, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 379, 380, 383, 385, 389, 390, 391 and 415; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 379 -- Memorials, Professional Achievement - Eubank Asphalt recipient of TDOT road paving awards. by *Jackson.

Senate Joint Resolution No. 380 -- Memorials, Personal Occasion - Thomas William and Pamela Lynn Hughes, 25th wedding anniversary. by *Jackson.

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Senate Joint Resolution No. 383 -- Memorials, Retirement - General William G. Moore, Jr., President of Metropolitan Nashville Airport Authority. by *Blackburn, *Atchley, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsa, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder.

Senate Joint Resolution No. 385 -- Memorials, Death - Grady F. Terrell, Jr. by *Ford J, *Dixon, *Kyle.

Senate Joint Resolution No. 389 -- Memorials, Congratulations - Tammy Payne, 2001 DeKalb West Elementary School Teacher of the Year. by *Burks.

Senate Joint Resolution No. 390 -- Memorials, Academic Achievement - Kelsey Bitting, Salutatorian, Tullahoma High School. by *Burks.

Senate Joint Resolution No. 391 -- Memorials, Academic Achievement - Tracy Masuda, Valedictorian, Tullahoma High School. by *Burks.

Senate Joint Resolution No. 415 -- Memorials, Retirement - Lillian Lasher. by *Graves.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for June 6, 2001:

House Resolution No. 142 -- Memorials, Sports - Andrea Kulman, Lambuth University signee. by *Todd.

House Joint Resolution No. 525 -- Memorials, Death - Larry Dilbeck. by *Baird.

House Joint Resolution No. 527 -- Memorials, Retirement - John Bryan Freeman. by *Bone.

House Joint Resolution No. 528 -- Memorials, Recognition - Wilson Central High School. by *Bone.

House Joint Resolution No. 529 -- Memorials, Sports - Bearden High School Boys' Tennis Team, 2001 TSSAA Division 1 Class AAA State Champions. by *Buttry, *Hagood.

House Joint Resolution No. 530 -- Memorials, Sports - Bearden High School boys' soccer team, 2001 Class AAA state soccer champions. by *Buttry, *Hagood.

House Joint Resolution No. 531 -- Memorials, Recognition - Natalie Baggett Walker. by *McMillan.

House Joint Resolution No. 532 -- Memorials, Sports - Giles County High School Lady Bobcats, TSSAA Class AA State Girls' Softball Champions. by *Fowlkes.

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House Joint Resolution No. 533 -- Memorials, Death - Richard E. Lacey. by *Cooper B, *Brooks, *Towns, *Bowers, *DeBerry L, *DeBerry J, *Jones U (Shelby), *Kernell.

House Joint Resolution No. 534 -- Memorials, Recognition - Harding Academy, history of excellence. by *DeBerry J, *Jones U (Shelby).

House Joint Resolution No. 535 -- Memorials, Retirement - Patricia Ann Garrett. by *Chumney, *Brooks, *Miller L, *Cooper B, *Towns, *Bowers, *DeBerry L.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for June 6, 2001:

Senate Joint Resolution No. 379 -- Memorials, Professional Achievement - Eubank Asphalt recipient of TDOT road paving awards. by *Jackson.

Senate Joint Resolution No. 380 -- Memorials, Personal Occasion - Thomas William and Pamela Lynn Hughes, 25th wedding anniversary. by *Jackson.

Senate Joint Resolution No. 383 -- Memorials, Retirement - General William G. Moore, Jr., President of Metropolitan Nashville Airport Authority. by *Blackburn, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder.

Senate Joint Resolution No. 385 -- Memorials, Death - Grady F. Terrell, Jr. by *Ford J, *Dixon, *Kyle.

Senate Joint Resolution No. 389 -- Memorials, Congratulations - Tammy Payne, 2001 DeKalb West Elementary School Teacher of the Year. by *Burks.

Senate Joint Resolution No. 390 -- Memorials, Academic Achievement - Kelsey Bitting, Salutatorian, Tullahoma High School. by *Burks.

Senate Joint Resolution No. 391 -- Memorials, Academic Achievement - Tracy Masuda, Valedictorian, Tullahoma High School. by *Burks.

Senate Joint Resolution No. 415 -- Memorials, Retirement - Lillian Lasher. by *Graves.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 2019** -- Paris - Pursuant to local request, revises tax rate in Paris Special School District. Amends TCA Chapter 150 of the Private Acts of 1919. by *Ridgeway.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 1386** -- Traffic Safety - Requires truck tractors and semitrailers to operate in right-most lane of interstates and multi-lane divided highways having three or more lanes in each direction with certain exceptions. Amends TCA Title 55, Chapter 8, Part 1. by *Burchett, *Haun. (HB910 by *Hagood, *Bunch)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2025 -- Loudon -- Local Bill Held on House Desk

House Bill No. 2026 -- Giles County -- Local Bill Held on House Desk

CONSENT CALENDAR

House Resolution No. 140 -- Memorials, Personal Occasion - A.E."Bill" and Betty Jean Johnson, 50th wedding anniversary. by *Patton.

House Resolution No. 141 -- Memorials, Personal Occasion - Mr. and Mrs. C. Reece Teague, 50th wedding anniversary. by *Patton.

House Joint Resolution No. 522 -- Memorials, Personal Occasion - Joseph Smelser, 90th birthday. by *Boyer.

House Joint Resolution No. 523 -- Memorials, Sports - 2001 Chattanooga Christian School Soccer Team, TSSAA State Champions. by *Clem.

House Joint Resolution No. 524 -- Memorials, Sports - 2001 Chattanooga Christian School girls' tennis team, TSSA A Class A-AA state champions. by *Clem.

Senate Joint Resolution No. 375 -- Memorials, Death - Clayton F. Slagle. by *Crowe.

Senate Joint Resolution No. 376 -- Memorials, Public Service - Boys Club of Oak Ridge, recipient of Honor Award for Program Excellence in Education and Career Development. by *McNally, *Davis L, *Williams.

Senate Joint Resolution No. 392 -- Memorials, Personal Occasion - Alvin and Ruth Burnett, 50th wedding anniversary. by *Burchett, *Atchley.

Senate Joint Resolution No. 393 -- Memorials, Academic Achievement - Alisha Hooker, Valedictorian, Shelbyville Central High School. by *Trail.

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Senate Joint Resolution No. 394 -- Memorials, Academic Achievement - Jennifer Feldhaus, Salutatorian, Shelbyville Central High School. by *Trail.

Senate Joint Resolution No. 395 -- Memorials, Academic Achievement - Brandi Schmidt, Salutatorian, Community High School. by *Trail.

Senate Joint Resolution No. 396 -- Memorials, Academic Achievement - Mark Simmons, Valedictorian, Community High School. by *Trail.

Senate Joint Resolution No. 397 -- Memorials, Academic Achievement - Andrew Coleman, Salutatorian, Cascade High School. by *Trail.

Senate Joint Resolution No. 398 -- Memorials, Academic Achievement - Marianna Rucker, Valedictorian, Cascade High School. by *Trail.

House Bill No. 2024 -- Fayette County - Subject to local approval, authorizes imposition of adequate facilities tax. by *Fitzhugh, *Naifeh. (SB1988 by *Wilder)

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2024: by Rep. Head

Under the rules, House Bill(s) No(s). 2024 was/were placed at the foot of the calendar for June 6, 2001.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1678 -- Gambling - Redefines criminal offense of gambling to clarify that any form of casino gambling is prohibited; clarifies that lotteries do not include electronic or electromechanical forms of casino gambling. Amends TCA Title 39, Chapter 17, Part 5. by *Maddox, *McDaniel, *Fitzhugh, *Boyer, *Ridgeway, *Shepard, *Pinion, *Roach, *McKee, *Briley, *Vincent. (*SB1717 by *McNally, *Herron, *Williams)

Further consideration of House Bill No. 1678 previously considered on April 23, 2001, May 16, 2001, May 23, 2001, May 24, 2001 and May 29, 2001 at which time Amendment(s) No(s). 5 failed to receive a constitutional majority, the House withdrew Amendment(s) No(s). 6, 7, 8, 9, 10, 11, 12, 13 and 14 and was on the motion to adopt Amendment(s) No(s). 15. The bill was also considered on May 3, 2001, at which time the House adopted Amendment(s) No(s). 1 and withdrew Amendment(s) No(s). 2 and 3; and it was also considered on May 10, 2001, at which time the House placed Amendment(s) No(s). 4 at the heel of the Amendments.

Rep. Maddox moved that House Bill No. 1678, as amended, be passed on third and final consideration.

Rep. Bowers moved adoption of Amendment No. 15 as follows:

Amendment No. 15

AMEND House Bill No. 1678 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than eight hundred ninety-seven thousand four hundred (897,400) according to the 2000 federal census or any subsequent federal census.

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void.

On motion, Amendment No. 15 was adopted.

Rep. Miller moved that Amendment No. 16 be withdrawn, which motion prevailed.

Rep. Miller moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Bunch moved adoption of Amendment No. 17 as follows:

Amendment No. 17

AMEND House Bill No. 1678 by deleting all amendments to the bill and by substituting instead the following:

by adding to the amendatory language of Section 1(1) the following new item, to be appropriately designated:

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(D) A contest or promotion or give-away in which valuable prizes and/or merchandise are awarded in connection with the sale of products and services, which include, but are not limited to, items sold at retail sales outlets, or through mail or vending machines.

Rep. Bunch moved that Amendment No. 17 be withdrawn, which motion prevailed.

Rep. Newton moved to re-refer House Bill No. 1678 to the House Finance, Ways and Means Committee.

Rep. Maddox moved to table the motion to re-refer House Bill No. 1678 to the House Finance, Ways and Means Committee, which motion prevailed by the following vote:

Ayes	49
Noes	43
Present and not voting	1

Representatives voting aye were: Baird, Beavers, Bittle, Black, Boyer, Briley, Brooks, Buck, Bunch, Caldwell, Curtiss, Davis (Washington), Davis (Cocke), Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Goins, Head, Hood, Johnson, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Overbey, Phillips, Pinion, Rhinehart, Ridgeway, Roach, Rowland, Sands, Shepard, Stanley, Tidwell, Todd, Vincent, White, Whitson, Windle, Wood -- 49.

Representatives voting no were: Armstrong, Arriola, Bone, Bowers, Brown, Buttry, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Davidson, DeBerry L, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Miller, Newton, Phelan, Pleasant, Pruitt, Sargent, Scroggs, Sharp, Shaw, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, West, Williams, Mr. Speaker Naifeh -- 43.

Representatives present and not voting were: Patton -- 1.

Rep. U. Jones moved the previous question, which motion prevailed.

Rep. Maddox moved that **House Bill No. 1678**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	55
Noes	38
Present and not voting	1

Representatives voting aye were: Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Curtiss, Davidson, Davis (Washington), Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Garrett, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Mumpower, Overbey, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Shepard, Stanley, Tidwell, Tindell, Todd, Vincent, Westmoreland, White, Windle, Wood -- 55.

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Representatives voting no were: Armstrong, Arriola, Bowers, Brooks, Brown, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Davis (Cocke), DeBerry L, Fraley, Givens, Hagood, Jones S, Jones U, Kent, Langster, Miller, Montgomery, Newton, Phelan, Pleasant, Pruitt, Sands, Sargent, Scroggs, Sharp, Shaw, Towns, Turner (Hamilton), Turner (Shelby), Walker, West, Whitson, Williams, Mr. Speaker Naifeh -- 38.

Representatives present and not voting were: Kernell -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on House Bill No. 1678 and have this statement entered in the Journal: Rep(s). Chumney.

REGULAR CALENDAR, CONTINUED

House Bill No. 1184 -- Tort Liability - Increases minimum insurance requirements for governmental tort liability purposes. Amends TCA Section 29-20-403. by *Sands, *Buck, *McMillan, *Briley, *Newton, *Boyer, *Scroggs, *Jones, S., *Towns, *Cooper B. (*SB1347 by *Haynes)

Further consideration of House Bill No. 1184 previously considered on May 31, 2001, at which time Amendment(s) No(s). 1 was placed at the heel of the Amendments, the House adopted Amendment(s) No(s). 2 and 3 and reset the bill for today's Calendar.

Rep. Sands moved that House Bill No. 1184 be reset for the Regular Calendar on June 7, 2001, which motion prevailed.

House Bill No. 1555 -- Tort Liability - Defines health care practitioner for purposes of governmental tort liability actions to mean licensed physicians and nurses. Amends TCA Title 29, Chapter 20. by *Jones U (Shelby), *Miller L, *Turner (Davidson), *McDaniel, *DeBerry J, *Kent, *Todd, *Pleasant, *McMillan, *Buck, *Sands, *Briley, *Newton, *Boyer, *Scroggs, *Armstrong. (*SB1013 by *Ramsey, *McNally)

SPECIAL ORDER

Rep. Buck moved that House Bill No. 1555 be reset for the Regular Calendar on June 7, 2001 and placed behind House Bill No. 1184, which motion prevailed.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1548** -- Loan Companies and Short Term Lenders - Requires thumbprint of pledgor, if pledgor has thumb, to be made part of pawnshop transaction record in Shelby County; if thumb amputated, then such other fingerprint as required by pawnbroker shall be taken and described on record. Amends TCA Section 45-6-209, by *Buck, *Jones U (Shelby), *DeBerry J, *Miller L, *Pleasant, *Kent, *Cole (Carter). (SB1801 by *Dixon)

Further consideration of House Bill No. 1548 previously considered on May 17, 2001, May 24, 2001 and May 29, 2001, at which time it was reset for today's Calendar.

SPECIAL ORDER

Rep. Buck moved that House Bill No. 1548 be reset for the Regular Calendar on June 7, 2001 and placed behind House Bill No. 1555, which motion prevailed.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1081** -- Law Enforcement - Authorizes retired law enforcement officers to wear uniforms, to attend POST training at no expense to officers, to serve with active law enforcement officers, and to receive license as security guard/officer without undergoing background check. Amends TCA Title 38, Chapter 8 and Title 62, Chapter 35, by *West. (SB1912 by *Harper)

Rep. West moved that House Bill No. 1081 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1081 By deleting the third and forth sentences in their entirety from Section 3.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Todd moved the previous question, which motion prevailed.

Rep. West moved that **House Bill No. 1081**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	1

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Brooks -- 1.

A motion to reconsider was tabled.

House Bill No. 1095 -- Criminal Offenses - Creates offense of having hoax explosive device; redefines "explosive device" to include pipe bomb; increases penalty from Class E to Class C felony. Amends TCA Title 39, Chapter 17, Part 13. by *West. (*SB812 by *Harper)

On motion, House Bill No. 1095 was made to conform with **Senate Bill No. 812**; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 812 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. West moved that **Senate Bill No. 812** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1527 -- Courts, Administrative Office of the - Defines standard elements used in TnCIS and elements used to determine need for creation or reallocation of judicial positions. Amends TCA Title 16. by *Kisber, *Briley, *Head. (*SB1505 by *Rochelle)

Rep. Kisber moved that House Bill No. 1527 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1527 By deleting all language following the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated Section 16-3-803(h) is hereby amended by adding the following as the last sentence:

To ensure comparable data from all courts, the system shall be designed to count cases according to a standard definition of a case as set forth in 16-1-117.

SECTION 2. Tennessee Code Annotated Section 16-3-803(i) is amended by deleting current section and replacing with:

(i) It is the duty of the Administrative Office of the Courts to collect, develop, and maintain uniform statistical information relative to court caseloads in Tennessee. For the purposes of monitoring the operation of the court system, reducing unnecessary delay, and assessing the responsiveness of the court system to the needs of litigants, victims of crime, and the citizens of the state, the administrative director of the courts shall have the responsibility for annually collecting, compiling, analyzing, and publishing caseload statistics pertaining to the court system. It is the responsibility of the administrative director of the courts to develop, define, update, and disseminate standard, uniform measures, definitions, and criteria for collecting statistics pertaining to the court system. These standards and reporting requirements shall be used for uniform statistical data collection in all courts, throughout the state, as established by statute or by the rules of the Supreme Court.

SECTION 3. Tennessee Code Annotated, 16-3-803 is amended by adding the following as 16-3-803(n):

(n) The Administrative Office of the Courts shall collect, develop and maintain statistical information relative to sentencing in Tennessee. To assist the Administrative Office of the Courts, the clerks of the circuit and criminal courts shall send a copy of each judgment document for a felony conviction to the administrative office of the courts. These copies shall be forwarded to the Administrative Office of the Courts no less than one (1) time each month so that all judgments rendered in one (1) month have been received by the fifteenth day of the following month. When an electronic transfer system is operational and approved by the administrative office of the courts, the judgment document for all felony convictions shall be electronically transmitted to the administrative office of the courts in the same manner required by this subsection for paper copies.

SECTION 4. Title 16, Chapter 1, of Tennessee Code Annotated, is amended by adding the following as 16-1-117:

(a) It is the duty of the Administrative Office of the Courts to collect, develop, and maintain uniform statistical information relative to court caseloads in Tennessee. To assist the Administrative Office of the Courts in this duty, the clerks of each court shall report case statistics as set forth below.

(1) Each criminal case shall be assigned a unique docket number. A criminal case in a court of record, except juvenile court, shall be defined and counted as a single charge or set of charges arising out of a single incident involving the same victim(s) concerning a defendant in one court proceeding. If a case has more than one charge, or count, the system shall be designed to count the case according to the highest class of charge or count at the time of disposition. An incident shall be all criminal activity occurring within a twenty-four (24) hour period. A court proceeding refers to a single level of court, i.e., general sessions, circuit, appeals or Supreme Court. An appeal, probation revocation, or other post-judgment proceeding is considered a separate case. This definition shall not alter the practice in the Tennessee Rules of Criminal Procedure dealing with the joinder and severance of criminal cases. Charges of a related nature shall be defined as charges against a single defendant that may have more than one victim and that are similar such as, but not limited to: burglaries, drug offenses, or serial rape. Worthless check(s) cases shall be defined and counted as all worthless checks filed by the same affiant against the same defendant within a twenty-four (24) hour period with each check counted as a separate charge. District attorneys general shall treat multiple incidents as a single incident for purposes of this statute when the charges are of a related nature and it is the district attorney general's intention that all of the charges be handled in the same court proceeding.

(2) A civil case shall be defined as all motions, petitions, claims, counterclaims, or proceedings between the parties resulting from the initial filing until the case is disposed. A unique docket number will be assigned to a civil case upon filing. Until said case is disposed all subsequent motions, petitions, claims, counterclaims, or proceedings between the parties resulting from the initial filing will be handled under the assigned docket number and will not be assigned a new docket number. Once a civil case has been disposed and further actions occur on the case, the original case will be reopened using the same docket number under which it was originally filed and are subject to additional court costs. All subsequent motions, petitions, claims, counterclaims, or proceedings relating to the reopened case will be handled under the one reopened case docket number until disposed. Any subsequent re-openings will still use the original docket number but will be counted as a new case for case reporting purposes and are subject to additional court costs. Civil cases in courts of record shall be counted and reported to the Administrative Office of the Courts according to this definition.

(3) Beginning July 1, 2003, or sooner if practicable, all general sessions courts and municipal courts with general sessions jurisdiction shall collect and provide court data to the Administrative Office of the Courts based on the definitions for criminal and civil cases as provided in subsection (1) and (2).

(4) All courts of record except for juvenile courts, and all general sessions courts and municipal courts with general sessions jurisdiction shall report caseload data to the Administrative Office of the Courts not less than one time each month, so that all cases filed and disposed in one month have been received by the Administrative Office of the Courts by the fifteenth day of the following month in which the case is filed or disposed. The Administrative Office of the Courts shall create forms to be used by each court in reporting the caseload data.

(5) The Administrative Office of the Courts will provide written notification to any responsible party found not to be in compliance with reporting requirements. Written notification will detail the type of non-compliance and recommend the corrective action to be taken. If compliance is not achieved during the subsequent reporting period following notification, the Administrative Office of the Court will no longer accept data from the office not in compliance until such time as the errors are corrected. Notification of this action will be sent to all judges, district attorneys general, district public defenders, and court clerks within the district where the non-complying office is located. Notification will also be sent to the District Attorneys General Conference, the District Public Defender Conference, the Administrative Office of the Courts and the County Officials Association of Tennessee.

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Any periods of non-compliance will also be reported in the annual report to the Judicial Council and to the Chairs of the House and Senate Judiciary Committees.

(b) Any automated court information system being used or developed on or after July 1, 2003, including but not limited to the Tennessee Court Information System (TnCIS) being designed pursuant to 16-3-803(h), shall ensure comparable data will be reported to the Administrative Office of the Courts with respect to courts of record, and criminal cases in general sessions courts and municipal courts with general sessions jurisdiction, using the definitions and standards set forth in Section (a). Each system shall use the Tennessee Code citation on each criminal charge, and have the capability to use this information to classify the type and class of each charge.

SECTION 5. Tennessee Code Annotated, Section 16-2-513 is amended by deleting the existing language and inserting the following language:

(a) The comptroller of the treasury shall devise and maintain a weighted caseload formula for the purpose of determining the need for creation or reallocation of such judicial positions using case weights derived from the most recent weighted caseload study. The comptroller of the treasury shall update such formula at least annually. The comptroller of the treasury may adjust such formula as necessary to reflect the impact of any legislative enactment that is material to judicial caseloads.

(b) Each district attorney general and each public defender, separately or through the appropriate conference, the Council of Juvenile and Family Court Judges, and the Administrative Office of the Courts, shall provide to the comptroller of the treasury such information as the comptroller of the treasury determines is necessary to accomplish the purposes of this section. This information shall include caseload totals by appropriate case type for each study and total number of judicial, child support referees, district attorney, and public defender resources for each district, noting how many are funded by the federal, state or local government. This data is to be provided to the comptroller in electronic and hard copy form on or before October 15 of each year.

(c) Using such formula, information and adjustments, the comptroller of the treasury shall annually publish a weighted caseload report analyzing the current distribution of judicial positions throughout the state as well as the current need, if any, for creation of or reallocation of such positions.

SECTION 6. Tennessee Code Annotated, 16-21-107(a)(4) is amended by deleting it in its entirety and by renumbering the remaining sections accordingly.

SECTION 7. Tennessee Code Annotated, 16-21-107(a)(5)(B) is amending by deleting the first five sentences in their entirety.

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SECTION 8. Unless specifically stated otherwise herein, this act shall take effect on July 1, 2001, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 1527**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 890 -- Health Care - Requires persons practicing reflexology for compensation to be registered with department of health; imposes sanctions for unauthorized practice of reflexology; prescribes manner to obtain registration and sets fees; requires division of health related boards to oversee registrants. Amends TCA Title 63. by *Armstrong, *Tindell, *Boyer. (*SB891 by *Atchley, *Herron)

Rep. Armstrong requested that House Bill No. 890 be moved to the heel of the Calendar.

House Bill No. 1205 -- Mental Illness - Redefines "state employee" to add employer of community-based screening agencies for purposes of mental health law in defense counsel statute. Amends TCA Title 8; Title 9 and Title 33. by *Westmoreland, *Patton. (*SB1002 by *Crowe)

On motion, House Bill No. 1205 was made to conform with **Senate Bill No. 1002**; the Senate Bill was substituted for the House Bill.

Rep. Westmoreland moved that Senate Bill No. 1002 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Westmoreland moved that **Senate Bill No. 1002** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
 Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 559** -- Tennessee Wildlife Resources Agency - Removes resident license and permit fees for all citizens 65 years of age or older under Title 70, including hunting, fishing, trapping, sportsman, and supplemental licenses (big game, trout), including at premier resorts and in wildlife management areas. Amends TCA Title 70, Chapter 2. by *Boyer. (SB824 by *McNally, *Burks)

On motion, House Bill No. 559 was made to conform with **Senate Bill No. 824**; the Senate Bill was substituted for the House Bill.

Rep. Boyer moved that Senate Bill No. 824 be passed on third and final consideration.

On motion, Rep. Garrett withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Boyer moved that **Senate Bill No. 824** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
 Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

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Senate Bill No. 1673 -- Labor and Workforce Development, Dept. of - Reorganizes premium rate tables used in calculating unemployment insurance premium rates paid by employers. by *Clabough, *Atchley, *Williams. (*HB1396 by *McDaniel)

Further consideration of Senate Bill No. 1673 previously considered on May 3, 2001, at which time it was reset for today's Calendar.

Rep. McDaniel moved that Senate Bill No. 1673 be passed on third and final consideration.

Rep. Kisber moved the previous question, which motion prevailed.

Rep. McDaniel moved that **Senate Bill No. 1673** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	8
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Beavers, Davidson, Fitzhugh, Garrett, Hargett, Pinion, Turner (Hamilton), Turner (Shelby) -- 8.

Representatives present and not voting were: Bunch -- 1.

A motion to reconsider was tabled.

House Bill No. 884 -- Alcoholic Offenses - Effective September 30, 2003, decreases from .10 percent to .08 percent blood alcohol content required to commit offense of DUI only if enactment of .08 percent DUI law is still federally required; repeals offense of adult DWI, but permits use of prior convictions for certain purposes; requires drug and alcohol assessment and treatment and use of ignition interlock device if person is convicted of second offense DUI and first conviction occurred within previous five years. Amends TCA Title 40, Chapter 33, Part 2 and Title 55, Chapter 10, Part 4. by *Head, *Newton, *Langster. (*SB1471 by *Haun)

Further consideration of House Bill No. 884 previously considered on May 24, 2001 and May 31, 2001, at which time it was reset for today's Calendar.

Rep. Head moved that House Bill No. 884 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 884 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-403(c), is amended by adding the following as a new subdivision (3) and renumbering the remaining subdivisions accordingly:

(3) Notwithstanding any other provision of law to the contrary, upon conviction of a person pursuant to § 55-10-401, and such person has a prior conviction of § 55-10-401 within the past five (5) years, the court shall order such person to undergo a drug and alcohol assessment and receive treatment as appropriate. Unless the court makes a specific determination that the person is indigent, the expense of such assessment and treatment shall be the responsibility of the person receiving it. If the court finds that the person is indigent, the expense or some portion of the expense may be paid from the alcohol and drug addiction treatment fund established in § 40-33-211(c)(2) pursuant to a plan and procedures developed by the department of health.

SECTION 2. Tennessee Code Annotated, Section 55-10-412(l), is amended by deleting the subsection in its entirety and by substituting instead the following:

(l)(1) Upon conviction of a person pursuant to § 55-10-401, and such person has a prior conviction of § 55-10-401 within the past five (5) years, the court shall order such person to operate only a motor vehicle or motorcycle, after the license revocation period, which is equipped with a functioning interlock device. The court shall also order such device to be installed on all vehicles owned or leased by the person at such person's own expense for a period of six (6) months.

(2) Any person subject to the provisions of subdivision (1) may, solely in the course of his employment, operate a motor vehicle or motorcycle, which is owned or provided by his employer, without installation of an ignition interlock device, if the court expressly permits such operation, and if the employer has been notified of such driving privilege restriction and if proof of that notification is within the vehicle. This subdivision shall not apply if such employer is an entity wholly or partially owned or controlled by the person subject to the provisions of this subsection.

SECTION 3. Tennessee Code Annotated, Section 40-33-211(c), is amended by adding the following new subdivision:

(3) If the general sessions or criminal court judge makes a specific finding that the person is indigent and that it is in the best interest of such person and the public, monies in the "alcohol and drug addiction treatment fund" may be used to pay the reasonable cost of leasing, buying, installing, monitoring and maintaining an ignition interlock device that is ordered pursuant to § 55-10-412(l) for persons who are subject to the provisions of this part. However, such device shall not be utilized in lieu of treatment of such person.

SECTION 4. Tennessee Code Annotated, Section 40-33-211(f), is amended by adding the following new subdivision:

(3) If the general sessions or criminal court judge makes a specific finding that the person is indigent and that it is in the best interest of the individual and the public, monies in the "alcohol and drug addiction treatment fund" may be used to pay the reasonable cost of leasing, buying, installing, monitoring and maintaining an ignition interlock device that is ordered pursuant to § 55-10-412(l) for persons who are subject to the provisions of this part. However, such device shall not be utilized in lieu of treatment of such person.

SECTION 5. If there are insufficient funds in the department of health's "alcohol and drug addiction treatment fund" to pay for the expenditures obligated by the provisions of this act, the department of transportation shall make funds available in the form of grants from the Governor's Highway Safety Fund. Such grants shall be for the specific purpose of providing drug and alcohol assessments and treatments as ordered by courts pursuant to the provisions of this act. The amount of grant money the department shall make available during each fiscal year shall be based upon the amount of money available in the "alcohol and drug addiction treatment fund" and the commissioner of health's estimate as to the amount of funding that will be required for the fiscal year.

SECTION 6. Tennessee Code Annotated, Sections 55-10-403(d)(1)(A)(ii), 55-10-403(d)(1)(B)(i)(b), 55-10-403(d)(3), and 55-50-502(c)(3)(ii) are amended by deleting the code citations "§ 55-10-401, § 39-13-213(a)(2), § 39-13-218, § 39-13-106, or § 55-10-418" and substituting instead the citations "§ 39-13-213(a)(2), § 39-13-218, or § 39-13-106".

SECTION 7. Tennessee Code Annotated, Section 55-10-403, is amended by adding the following new subpart (4) to subsection (d):

(4)(A) Any person whose motor vehicle operator's license has been revoked pursuant to subsection (a) and such person has a prior conviction for a violation of § 55-10-401 or § 55-10-418, in this state or a similar offense in any other jurisdiction, the trial judge may order the issuance of a restricted motor vehicle operator's license in accordance with § 55-50-502. Provided, however, such person shall not be eligible for and the court shall not have the authority to grant the issuance of a restricted motor vehicle operator's license until the expiration of a one (1) year revocation period. Such restricted license may be issued for the same purposes set out in (d)(1)(A) of this subsection.

(B) If the court orders the issuance of a restricted motor vehicle operator's license pursuant to this subpart, the court shall also order such person to operate only a motor vehicle or motorcycle that is equipped with a functioning interlock device. The court shall also order such device to be installed on all vehicles owned or leased by the person at such person's own expense for the entire period of the restricted license and for a period of six (6) months after the license revocation period has expired as required in § 55-10-412(l).

SECTION 8. Tennessee Code Annotated, Section 55-10-401(a)(2), is amended by deleting the language "ten one hundredths of one percent (.10%)" and by substituting instead the language "eight-hundredths of one percent (.08%)".

SECTION 9. Tennessee Code Annotated, Section 55-10-406(f), is amended by deleting the language "or adult driving while impaired under § 55-10-418".

SECTION 10. Tennessee Code Annotated, Section 55-10-408, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-10-408. For the purpose of proving a violation of § 55-10-401(a)(1), evidence that there was, at the time alleged, eight-hundredths of one percent (.08%) or more by weight of alcohol in the defendant's blood shall create a presumption that the defendant's ability to drive was sufficiently impaired thereby to constitute a violation of § 55-10-401(a)(1).

SECTION 11. Tennessee Code Annotated, Section 55-10-418, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-10-418. (a) Effective September 30, 2003, the offense of adult driving while impaired is repealed.

(b) Nothing in the repeal of the offense of adult driving while impaired shall be construed to prohibit or prevent the use of any conviction for such offense occurring prior to September 30, 2003, for any of the purposes set out in Tennessee Code Annotated §§ 55-10-403(d)(1)(A)(ii), 55-10-403(d)(1)(B)(i)(b), 55-10-403(d)(3), 55-10-403(g)(2), 55-10-403(o), 55-10-406(a)(3)(A), 55-10-603(2)(A)(x) and 55-50-502(c)(3)(ii).

SECTION 12. Tennessee Code Annotated, Section 55-10-403, is amended by adding the following language as a new, appropriately designated subsection:

(q) (1) In addition to all other fines, fees, costs and punishments now prescribed by law, an alcohol and drug addiction treatment fee of one hundred dollars (\$100) shall be assessed for each conviction for a violation of § 55-10-401.

(2) All proceeds collected pursuant to subdivision (1) shall be transmitted to the commissioner of the department of health for deposit in the special "alcohol and drug addiction treatment fund" administered by such department.

SECTION 13. Tennessee Code Annotated, Section 55-10-403, is further amended by deleting the fifth sentence of subsection (a)(1) and substituting instead the following:

Upon the conviction of a person on the second offense only, a judge may sentence such person to participate in a court approved alcohol or drug treatment program.

SECTION 14. Tennessee Code Annotated, Section 55-10-403, is further amended by deleting the first sentence of subsection (a)(4)(A) and substituting instead the following:

If the court orders participation in an inpatient alcohol and drug treatment program pursuant to subdivision (a)(1), such treatment program shall not exceed a period of twenty-eight (28) days.

SECTION 15. Tennessee Code Annotated, Section 40-33-211, is amended by adding the following to the end of subsection (c)(2):

The alcohol and drug addiction treatment fund shall be administered pursuant to public necessity rules promulgated by the department of health which shall establish criteria for application of the funds.

SECTION 16. If prior to the effective date of Sections 8-12 of this act, the provisions of the Transportation Equity Act for the 21st Century that require the withholding of funds required to be apportioned for Federal-aid highways to this state under each of paragraphs (1), (3), and (4) of Title 23, United States Code, Section 104(b) if this state does not enact and enforce a provision described in section 163(a) of chapter 1 of title 23, United States Code are repealed or otherwise cease to be effective, the provisions of Sections 8-12 of this act shall not take effect and shall be void.

SECTION 17. If prior to the effective date of Sections 8-12 of this act, the time within which the provisions of the Transportation Equity Act for the 21st Century that require the withholding of funds required to be apportioned for Federal-aid highways to this state under each of paragraphs (1), (3), and (4) of Title 23, United States Code, Section 104(b) if this state does not enact and enforce a provision described in section 163(a) of chapter 1 of title 23, United States Code is extended to a date beyond the beginning of fiscal year 2004, then the effective date of Sections 8-12 this act shall be extended until the same such date.

SECTION 18. Sections 1-7 of this act shall take effect October 1, 2001, the public welfare requiring it, and shall apply to all applicable violations of the provisions of Tennessee Code Annotated, Section 55-10-401 occurring on or after such date. If the provisions of SECTION 16 or SECTION 17 of this act do not become operative, Sections 8-12 of this act shall take effect on September 30, 2003, the public welfare requiring it. Sections 13, 14 and 15 of this act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Newton moved adoption of Amendment No. 1 to Amendment No. 1 as follows:

Amendment No. 1 to 1

AMEND House Bill No. 884 by deleting House Judiciary Committee Amendment # 1 (HA0238)(#00563429) in its entirety and substituting instead the following language:

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-403(c), is amended by adding the following as a new subdivision (3) and renumbering the remaining subdivisions accordingly:

(3) Notwithstanding any other provision of law to the contrary, upon conviction of a person pursuant to § 55-10-401, and such person has a prior conviction of § 55-10-401 within the past five (5) years, the court shall order such person to undergo a drug and alcohol assessment and receive treatment as appropriate. Unless the court makes a specific determination that the person is indigent, the expense of such assessment and treatment shall be the responsibility of the person receiving it. If the court finds that the person is indigent, the expense or some portion of the expense may be paid from the alcohol and drug addiction treatment fund established in § 40-33-211(c)(2) pursuant to a plan and procedures developed by the department of health.

SECTION 2. Tennessee Code Annotated, Section 55-10-412(l), is amended by deleting the subsection in its entirety and by substituting instead the following:

(l)(1) Upon conviction of a person pursuant to § 55-10-401, and such person has a prior conviction of § 55-10-401 within the past five (5) years, the court shall order such person to operate only a motor vehicle or motorcycle, after the license revocation period, which is equipped with a functioning interlock device. The court shall also order such device to be installed on all vehicles owned or leased by the person at such person's own expense for a period of six (6) months.

(2) Any person subject to the provisions of subdivision (1) may, solely in the course of his employment, operate a motor vehicle or motorcycle, which is owned or provided by his employer, without installation of an ignition interlock device, if the court expressly permits such operation, and if the employer has been notified of such driving privilege restriction and if proof of that notification is within the vehicle. This subdivision shall not apply if such employer is an entity wholly or partially owned or controlled by the person subject to the provisions of this subsection.

SECTION 3. Tennessee Code Annotated, Section 40-33-211(c), is amended by adding the following new subdivision:

(3) If the general sessions or criminal court judge makes a specific finding that the person is indigent and that it is in the best interest of such person and the public, monies in the "alcohol and drug addiction treatment fund" may be used to pay the reasonable cost of leasing, buying, installing, monitoring and maintaining an ignition interlock device that is ordered pursuant to § 55-10-412(l) for persons who are subject to the provisions of this part. However, such device shall not be utilized in lieu of treatment of such person.

SECTION 4. Tennessee Code Annotated, Section 40-33-211(f), is amended by adding the following new subdivision:

(3) If the general sessions or criminal court judge makes a specific finding that the person is indigent and that it is in the best interest of the individual and the public, monies in the "alcohol and drug addiction treatment fund" may be used to pay the reasonable cost of leasing, buying, installing, monitoring and maintaining an ignition interlock device that is ordered pursuant to § 55-10-412(l) for persons who are subject to the provisions of this part. However, such device shall not be utilized in lieu of treatment of such person.

(4) For the purpose of determining the value of early assessment and treatment, the department of health may establish a pilot program in Shelby County in which the alcohol and drug treatment fund provisions of this part may be utilized for a total of up to fifty (50) residents of Shelby County who violate their DUI probation with a subsequent DUI arrest. The judge of the court may order such individuals to be assessed and treated utilizing the fund and guidelines established by the department of health for the pilot program. The pilot program may begin on July 1, 2001, and may continue through June 30, 2003. On June 30 in the years 2002, 2003, and 2004, the Shelby County court shall issue a report to the department of health documenting any incidence of recidivism by participants in the pilot program.

SECTION 5. Tennessee Code Annotated, Sections 55-10-403(d)(1)(A)(ii), 55-10-403(d)(1)(B)(i)(b), 55-10-403(d)(3), and 55-50-502(c)(3)(ii) are amended by deleting the code citations "§ 55-10-401, § 39-13-213(a)(2), § 39-13-218, § 39-13-106, or § 55-10-418" and substituting instead the citations "§ 39-13-213(a)(2), § 39-13-218, or § 39-13-106".

SECTION 6. Tennessee Code Annotated, Section 55-10-403, is amended by adding the following new subpart (4) to subsection (d):

(4)(A) The trial judge may order the issuance of a restricted motor vehicle operator's license in accordance with § 55-50-502 to any person whose motor vehicle operator's license has been revoked pursuant to subsection (a) for a period of two (2) years and who has a prior conviction for a violation of § 55-10-401 or § 55-10-418, in this state or a similar offense in any other jurisdiction. Provided, however, such person shall not be eligible for and the court shall not have the authority to grant the issuance of a restricted motor vehicle operator's license until the expiration of a one (1) year revocation period. Such restricted license may be issued for the same purposes set out in (d)(1)(A) of this subsection.

(B) If the court orders the issuance of a restricted motor vehicle operator's license pursuant to this subpart, the court shall also order such person to operate only a motor vehicle or motorcycle that is equipped with a functioning interlock device. The court shall also order such device to be installed on all vehicles owned or leased by the person at such person's own expense for the entire period of the restricted license and for a period of six (6) months after the license revocation period has expired as required in § 55-10-412(l).

SECTION 7. Tennessee Code Annotated, Section 55-10-401(a)(2), is amended by deleting the language "ten one hundredths of one percent (.10%)" and by substituting instead the language "eight-hundredths of one percent (.08%)".

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SECTION 8. Tennessee Code Annotated, Section 55-10-406(f), is amended by deleting the language "or adult driving while impaired under § 55-10-418".

SECTION 9. Tennessee Code Annotated, Section 55-10-408, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-10-408. For the purpose of proving a violation of § 55-10-401(a)(1), evidence that there was, at the time alleged, eight-hundredths of one percent (.08%) or more by weight of alcohol in the defendant's blood shall create a presumption that the defendant's ability to drive was sufficiently impaired thereby to constitute a violation of § 55-10-401(a)(1).

SECTION 10. Tennessee Code Annotated, Section 55-10-418, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-10-418. (a) Effective July 1, 2002, the offense of adult driving while impaired is repealed.

(b) Nothing in the repeal of the offense of adult driving while impaired shall be construed to prohibit or prevent the use of any conviction for such offense occurring prior to July 1, 2002, for any of the purposes set out in Tennessee Code Annotated §§ 55-10-403(d)(1)(A)(ii), 55-10-403(d)(1)(B)(i)(b), 55-10-403(d)(3), 55-10-403(g)(2), 55-10-403(o), 55-10-406(a)(3)(A), 55-10-603(2)(A)(x) or 55-502(c)(3)(ii).

SECTION 11. Tennessee Code Annotated, Section 55-10-403, is amended by adding the following language as a new, appropriately designated subsection:

(q)(1) In addition to all other fines, fees, costs and punishments now prescribed by law, an alcohol and drug addiction treatment fee of one hundred dollars (\$100) shall be assessed for each conviction for a violation of § 55-10-401.

(2) All proceeds collected pursuant to subdivision (1) shall be transmitted to the commissioner of the department of health for deposit in the special "alcohol and drug addiction treatment fund" administered by such department.

SECTION 12. Tennessee Code Annotated, Section 55-10-403, is further amended by deleting the fifth sentence of subsection (a)(1) and substituting instead the following:

Upon the conviction of a person on the second offense only, a judge may sentence such person to participate in a court approved alcohol or drug treatment program.

SECTION 13. Tennessee Code Annotated, Section 55-10-403, is further amended by deleting the first sentence of subsection (a)(4)(A) and substituting instead the following:

If the court orders participation in an inpatient alcohol and drug treatment program pursuant to subdivision (a)(1), such treatment program shall not exceed a period of twenty-eight (28) days.

SECTION 14. Tennessee Code Annotated, Section 40-33-211, is amended by adding the following to the end of subsection (c)(2):

The alcohol and drug addiction treatment fund shall be administered pursuant to public necessity rules promulgated by the department of health which shall establish criteria for application of the funds.

SECTION 15. If the provisions of the Transportation Equity Act for the 21st Century that require the withholding of funds required to be apportioned for Federal-aid highways to this state under each of paragraphs (1), (3), and (4) of Title 23, United States Code, Section 104(b) if this state does not enact and enforce a provision described in section 163(a) of chapter 1 of title 23, United States Code are repealed or otherwise cease to be effective, the provisions of Sections 7-11 of this act are repealed and the law relative to the offenses of driving under the influence of an intoxicant and adult driving while impaired is revived and shall become effective on the date the applicable provisions of section 163(a) of chapter 1 of title 23, United States Code are repealed or no longer effective.

SECTION 16. If the law relative to the offenses of driving under the influence of an intoxicant and adult driving while impaired is revived and becomes effective, the Tennessee Code Commission is directed to restore the provisions of §§ 55-10-401, 55-10-403, 55-10-406, 55-10-408 and 55-10-418, to read as such sections existed on June 30, 2002.

SECTION 17. Sections 1-6 of this act shall take effect July 1, 2001, the public welfare requiring it, and shall apply to all applicable violations of the provisions of Tennessee Code Annotated, Section 55-10-401 occurring on or after such date. If the law relative to the offenses of driving under the influence of an intoxicant and adult driving while impaired is not revived or extended, Sections 7-11 of this act shall take effect on July 1, 2002, the public welfare requiring it. Sections 12, 13, 14, 15, 16 and 17 of this act shall take effect upon becoming a law, the public welfare requiring it.

Rep. McDonald moved that Amendment No. 1 to Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	49
Noes	45
Present and not voting	1

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Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Brooks, Brown, Bunch, Caldwell, Chumney, Cooper, Curtiss, Davis (Washington), Dunn, Ferguson, Fowlkes, Garrett, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Jones S, Kernell, McDonald, Miller, Mumpower, Patton, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rowland, Sharp, Shaw, Stanley, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, Windle, Wood -- 49.

Representatives voting no were: Armstrong, Bowers, Boyer, Briley, Buck, Buttry, Cole (Carter), Cole (Dyer), Davidson, Davis (Cocke), DeBerry J, DeBerry L, Fitzhugh, Ford, Fraley, Givens, Head, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McKee, McMillan, Montgomery, Newton, Phelan, Rhinehart, Rinks, Roach, Sands, Sargent, Scroggs, Shepard, Tidwell, Turner (Hamilton), Walker, Westmoreland, White, Whitson, Mr. Speaker Naifeh -- 45.

Representatives present and not voting were: Williams -- 1.

Rep. Head requested that House Bill No. 884 be moved to the heel of the Calendar.

Senate Bill No. 1789 -- Aged Persons - Revises duties of commission on aging to include services to disabled persons; increases membership of commission to include executive director of Tennessee Developmental Council. Amends TCA Title 71, Chapter 2. by *Harper, *Trail, *Burchett, *Burks. (*HB1624 by *Kernell, *Cooper B, *Pruitt, *Patton, *Odom, *Davis (Washington), *Montgomery, *Bowers, *Arriola, *Walker)

Further consideration of Senate Bill No. 1789 previously considered on May 16, 2001, May 23, 2001 and May 31, 2001, at which time the House adopted Amendment(s) No(s). 1, was on the motion to adopt Amendment(s) No(s) 2 and reset the bill for today's Calendar.

Rep. Kernell moved that Senate Bill No. 1789 be reset for the Regular Calendar on June 6, 2001, which motion prevailed.

Senate Bill No. 667 -- Public Health - Prohibits use of treated ash aggregate (TAA) in residential areas (occupied or unoccupied). Amends TCA Title 68. by *Jackson. (*HB147 by *Odom)

Further consideration of Senate Bill No. 667 previously considered on May 23, 2001 and May 31, 2001, at which time the House was on the motion to withdraw Amendment(s) No(s). 1 and reset the bill for today's Calendar.

On motion, Senate Bill No. 667 was reset for the Regular Calendar on June 6, 2001, which motion prevailed.

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House Bill No. 1749 -- Firearms and Ammunition - Requires TBI to deny attempted purchase of firearm if purchaser is charged with offense that, if convicted, would prohibit person from purchasing firearm and provides procedure whereby TBI is required to reverse such denial. Amends TCA Title 39, Chapter 17, Part 13. by *Turner (Hamilton). (*SB1728 by *Crowe)

Further consideration of House Bill No. 1749 previously considered on May 16, 2001, May 21, 2001, May 29, 2001 and May 31, 2001, at which time it was reset for today's Calendar.

Rep. Turner (Hamilton) moved that House Bill No. 1749 be passed on third and final consideration.

Rep. Newton moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Turner (Hamilton) moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1749 by deleting from the amendatory language of subsection (o) of SECTION 1 the words "prospective transferee" each time they appear in the subsection and substituting instead the word "purchaser".

FURTHER AMEND by deleting subsection (p) of SECTION 1 in its entirety and substituting instead the following:

(p) Upon receipt of the criminal history challenge form indicating a purchaser's request for review of the denial, the bureau shall proceed with efforts to obtain the final disposition information. The purchaser may attempt to assist the bureau in obtaining the final disposition information. If neither the purchaser nor the bureau are able to obtain the final disposition information within fifteen (15) calendar days of the bureau's receipt of the criminal history challenge form, the bureau shall immediately notify the federal firearms licensee that the transaction that was initially denied is now a "conditional proceed". A "conditional proceed" means that the federal firearm licensee may lawfully transfer the firearm to the purchaser.

FURTHER AMEND by adding the following new subsection (q) to the amendatory language of SECTION 1:

(q) In any case in which the transfer has been denied pursuant to subsection (o) of this section, the inability of the bureau to obtain the final disposition of a case shall not constitute the basis for the continued denial of the transfer as long as the bureau receives written notice signed and verified by the clerk of the court or the clerk's designee that indicates that no final disposition information is available. Upon receipt of such letter by the bureau, the bureau shall immediately reverse the denial.

Rep. Buttry moved that House Bill No. 1749 be reset for the Regular Calendar on June 6, 2001, which motion prevailed.

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***Senate Bill No. 463** -- Taxes, Soft Drinks - Excludes manufacturers or bottlers of bottled water from bottlers' gross receipts tax. Amends TCA Section 67-4-402. by *Rochelle. (HB1755 by *Kisber, *Boyer, *Rinks, *Whitson, *McDaniel, *Lewis, *McMillan, *Williams (Williamson), *Langster, *Turner (Shelby), *Cole (Dyer), *Sands)

Further consideration of Senate Bill No. 463 previously considered on May 21, 2001, at which time it was reset for today's Calendar.

Rep. Kisber moved that Senate Bill No. 463 be held on the Clerk's desk, which motion prevailed.

***House Bill No. 652** -- Taxes, Ad Valorem - Prohibits assessment of property tax on stock of industrial loan and thrift companies. Amends TCA Title 67, Chapter 5, Part 11. by *Head. (SB1510 by *Rochelle)

Rep. Head moved that House Bill No. 652 be reset for the Regular Calendar on June 6, 2001, which motion prevailed.

***House Bill No. 75** -- Corporations, For Profit - Increase from 11 months to one year time that appointment of proxy is effective. Amends TCA Title 48. by *Tindell, *Odom, *Armstrong. (SB565 by *Atchley)

On motion, House Bill No. 75 was made to conform with **Senate Bill No. 565**; the Senate Bill was substituted for the House Bill.

Rep. Tindell moved that Senate Bill No. 565 be passed on third and final consideration.

On motion, Rep. Cole (Dyer) withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Tindell moved that **Senate Bill No. 565** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

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House Bill No. 648 -- Flea Markets, Antiques and Used Goods - Increases annual registration fee for flea market sales from \$45.00 to \$55.00. Amends TCA Title 7; Title 12; Title 30; Title 57 and Title 67. by *Kisber. (*SB621 by *Ford J, *Ford J)

Rep. Kisber moved that House Bill No. 648 be passed on third and final consideration.

On motion, Rep. Cole (Dyer) withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Cole (Dyer) moved that the House reconsider its action in withdrawing Amendment No. 1, which motion prevailed.

Rep. Cole (Dyer) moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 648 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 12-10-108(a), is amended by designating the current language as subdivision "(1)" and by adding the following new language, to be designated as subdivision "(2)":

(2) Notwithstanding any provision of subdivision (1) or any other law to the contrary, if a public building authority engages in or contracts for the modification, construction, operation, maintenance, or management of an arena facility for a National Basketball Association member professional basketball team, then the board of directors appointed and confirmed pursuant to subdivision (1) must include two (2) additional directors whose qualifications, appointment and service shall be governed by the provisions this subdivision. Following consultation with the speaker of the senate and the speaker of the house of representatives, the chief executive officer of the municipality shall appoint, subject to confirmation of the governing body of the municipality:

(A) One state senator whose legislative district lies, in whole or in part, within the boundaries of the municipality; and

(B) One state representative whose legislative district lies, in whole or in part, within the boundaries of the municipality.

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The term of office for each director appointed pursuant to this subdivision shall not extend beyond the director's current term of office in the state senate or house of representatives. Each director appointed pursuant to this subdivision shall serve as such without compensation, except that he or she shall be reimbursed for their actual expenses incurred in and about the performance of their duties hereunder. Notwithstanding the fact that two (2) or more municipalities may have approved incorporation of the public building authority pursuant to § 12-10-104, the provisions of this subdivision shall not be construed to require appointment of more than one state senator and one state representative to serve as directors; and, under such circumstances, the chief executive officers of the municipalities shall jointly make such appointments, subject to confirmation of the governing bodies of the municipalities.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 2.

Rep. Kisber moved that **House Bill No. 648**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Beavers, Black, DeBerry L, Rowland -- 4.

A motion to reconsider was tabled.

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***House Bill No. 1650** -- General Assembly - Revises duties and removes obsolete references in law establishing legislative offices. Amends TCA Section 2-3-102; Section 3-1-103; Title 3; Section 4-15-102; Section 49-9-401 and Section 49-50-603. by *Davidson. (SB1897 by *Cooper J)

Rep. Davidson moved that House Bill No. 1650 be reset for the Regular Calendar on June 7, 2001, which motion prevailed.

House Bill No. 974 -- Sunset Laws - Tennessee higher education commission, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 7. by *Kernell, *Brooks, *Cooper B. (*SB58 by *Harper)

On motion, House Bill No. 974 was made to conform with **Senate Bill No. 58**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 58 be passed on third and final consideration.

Rep. Brooks moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 58 By deleting Section 3 in its entirety and by substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 49-7-202(c), is amended by deleting subdivision (8) in its entirety.

SECTION 4. Tennessee Code Annotated, Section 49-7-702, is amended by deleting such section in its entirety.

SECTION 5. Tennessee Code Annotated, Section 49-7-401(b), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) Funding for the Meharry family practice residency program shall be subject to the annual general appropriations bill.

SECTION 6. Tennessee Code Annotated, Section 49-7-402(b), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) Funding for the Meharry preventive medicine residency program shall be subject to the annual general appropriations bill.

SECTION 7. Tennessee Code Annotated, Section 49-7-404(b), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

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(2) Funding for the Meharry general dentistry residency program shall be subject to the annual general appropriations bill.

SECTION 8. The general assembly hereby directs the Tennessee higher education commission to continue to develop and enhance the Tennessee pre-law and pre-health science fellowship program. The Tennessee higher education commission shall continue to report to the general assembly on the progress of such program, including the number of participants, the professional schools that they attend, and the graduation rates of such students.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Brooks moved adoption of Government Operations Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 58 By deleting Sections 5, 6, and 7, of the bill, as amended, in their entirety and by renumbering the subsequent sections accordingly.

On motion, Government Operations Committee Amendment No. 2 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 58 by deleting the language "4-29-226(a)" in the directory language of Section 2 of the printed bill and substituting the language "4-29-223(a)".

AND FURTHER AMEND by adding the following as a new section immediately preceding the effective date section of the bill as amended and by renumbering the subsequent section accordingly:

SECTION _____. There is hereby created a study group to review the structure and responsibilities of the Tennessee Higher Education Commission. The review should include but not be limited to: the composition and appointment process of Commission members; the effectiveness of the Commission in guiding the higher education master plan of the state; the authority and responsibility of the Commission pertaining to matters of program offerings, duplication of programs and approval of new programs; an evaluation of how the Commission functions in comparison to higher education coordinating bodies in other states; and the role the Commission should play in establishing and overseeing measures of performance of public higher education.

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The study group shall be composed of two (2) individuals designated by the governor, one (1) individual designated by the speaker of the senate and one (1) individual designated by the speaker of the house as they may determine. It is the intent that the results of the review provided for in this section shall be completed by January 1, 2002 and shall become the basis for legislation aimed at strengthening the Commission's role in the structure of public higher education governance in Tennessee. The office of the comptroller of the treasury, the office of legislative budget analysis and the division of budget in the department of finance and administration shall provide staff resources to the study group as may be requested.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 was adopted.

Rep. Kernell moved that **Senate Bill No. 58**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 976 -- Sunset Laws - Health facilities commission, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11. by *Kernell, *Brooks, *Cooper B. (*SB93 by *Harper)

Rep. Kernell requested that House Bill No. 976 be moved to the heel of the Calendar.

House Bill No. 890 -- Health Care - Requires persons practicing reflexology for compensation to be registered with department of health; imposes sanctions for unauthorized practice of reflexology; prescribes manner to obtain registration and sets fees; requires division of health related boards to oversee registrants. Amends TCA Title 63. by *Armstrong, *Tindell, *Boyer. (*SB891 by *Atchley, *Herron)

Further consideration of House Bill No. 890 previously considered on today's Calendar.

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On motion, House Bill No. 890 was made to conform with **Senate Bill No. 891**; the Senate Bill was substituted for the House Bill.

Rep. Armstrong moved that Senate Bill No. 891 be passed on third and final consideration.

Rep. Kernell moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 891 By deleting in its entirety subdivision (6) of subsection (a) of Section 12 and by substituting instead the following:

(6) The practitioner is convicted of a felony as determined by rules and regulations promulgated by the board;

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved that **Senate Bill No. 891**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

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House Bill No. 884 -- Alcoholic Offenses - Effective September 30, 2003, decreases from .10 percent to .08 percent blood alcohol content required to commit offense of DUI only if enactment of .08 percent DUI law is still federally required; repeals offense of adult DWI, but permits use of prior convictions for certain purposes; requires drug and alcohol assessment and treatment and use of ignition interlock device if person is convicted of second offense DUI and first conviction occurred within previous five years. Amends TCA Title 40, Chapter 33, Part 2 and Title 55, Chapter 10, Part 4. by *Head, *Newton, *Langster. (*SB1471 by *Haun)

Further consideration of House Bill No. 884 previously considered on today's Calendar at which time the House was on the motion to adopt Amendment(s) No(s). 1.

Rep. Westmoreland moved that House Bill No. 884 be reset for the Regular Calendar on June 11, 2001, which motion prevailed.

House Bill No. 976 -- Sunset Laws - Health facilities commission, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11. by *Kernell, *Brooks, *Cooper B. (*SB93 by *Harper)

Further consideration of House Bill No. 976 previously considered on today's Calendar.

On motion, House Bill No. 976 was made to conform with **Senate Bill No. 93**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 93 be passed on third and final consideration.

Rep. Brooks requested that Government Operations Committee Amendment No. 1 be placed at the heel of the Amendments.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 93 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-222(a), is amended by deleting item (20) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-223(a), is amended by adding a new item thereto, as follows:

() Health facilities commission, created by Section 68-11-104;

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 11, Part 1, is amended by adding the following appropriately designated new section:

Section 68-11-126. (a) Any person who lobbies the commission or commission staff shall register as a lobbyist and shall comply with the provisions of title 3, chapter 6. For purposes of this section, "lobby" and "lobbyist" shall have the same meaning as provided in Section 3-6-102.

(b)(1) Commission members shall not, except at commission meetings, communicate, directly or indirectly, with an interested person or lobbyist regarding the merits or substance of a pending certificate of need application or any matter that such person knows or should know will be brought before the commission at a future meeting.

(2) No interested person or lobbyist may, except at commission meetings, communicate, directly or indirectly, with a commission member regarding the merits or substance of a pending certificate of need application or any matter that such person knows or should know will be brought before the commission at a future meeting.

(3) For purposes of this subsection, an "interested person" is any person with a financial, proprietary, equitable or other interest in a certificate of need application pending before the health facilities commission.

(4) Nothing in this subsection shall preclude a commission member from discussing with any person general public policy matters relating to commission activities.

(5) Nothing in this act shall prevent communication among commission members and the commission staff.

(c) Each commission member shall file a public statement, quarterly, beginning October 1, 2001, listing all actual or attempted communications which are in violation of the provisions of subsection (b). This statement shall include the name of the person or entity making or attempting the communication, the matter or matters involved, the person or entity on whose behalf the communication or attempted communication was made, and the commission member who received the communication or to whom the attempted communication was directed.

SECTION 4. Tennessee Code Annotated, Section 68-11-108(b), is amended by inserting the following between the second and third sentences:

Additionally, in making determinations to grant or deny a petition, the commission shall take into consideration the applicant's participation in the TennCare program.

SECTION 5. There is hereby created a study group to review the structure and responsibilities of the Health Facilities Commission. The review should include but not be limited to: the composition and appointment process of commission members; the effectiveness of the commission in guiding the state health plan; the authority and responsibility of the commission, the department of health and the department of mental health and developmental disabilities pertaining to applications for certificates of need; the role the commission should play in relation to TennCare; and the role the commission should play in establishing and overseeing the state health plan. The study group shall be composed of four (4) individuals designated by the governor, two (2) individuals designated by the speaker of the senate and two (2) individuals designated by the speaker of the house, as they may determine. It is the intent that the results of the review provided for in this section shall be completed by January 1, 2002 and shall become the basis for legislation aimed at strengthening the Tennessee state health plan and the Health Facilities Commission. The office of the comptroller of the treasury, the department of health, the department of mental health and developmental disabilities, the department of finance and administration shall provide staff resources to the study group as may be requested.

SECTION 6. The provisions of this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

On motion, Rep. Brooks withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 93**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 680** -- Anatomical Gifts - Redefines requirements for making, amending, revoking and refusing to make anatomical gifts. Amends TCA Title 68, Chapter 30, by *Williams (Williamson), *Garrett. (SB1361 by *Jackson)

Further consideration of House Bill No. 680 previously considered on May 29, 2001, at which time it was reset for today's Message Calendar.

CONFERENCE COMMITTEE REPORT
ON HOUSE BILL NO. 680

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 680 (Senate Bill No. 1361) has met and recommends that the following amendments be deleted:

Senate Judiciary Committee Amendment No. 2.

The Committee further recommends that the following amendment be adopted:

by adding the following language to Section 2, Section 68-30-115(b), as a new, appropriately numbered subdivision:

(4) If a decedent leaves one or more minor children and subdivisions (a)(1) and (2) of this section are not applicable, the wishes of such minor children shall be sought to the extent appropriate and practicable given the age of and any other factors and circumstances relative to the ability of such minor children to participate in the decision, and the wishes of the next of kin, before an anatomical gift may be made by a person listed in subdivisions (a)(3) through (6).

AND FURTHER RECOMMENDS that the following amendment be adopted:

House Amendment No. 1

Senator Doug Jackson
Senator Larry Trail
Senator Curtis Person

Representative Chris Newton
Representative Tim Garrett
Representative Mike Williams

Rep. Williams moved that the Report of the Conference Committee on **House Bill No. 680** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes	97
Noes	0

MONDAY, JUNE 4, 2001 – FORTY-SIXTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1155 -- Bail, Bail Bonds - Requires bondsman to verify accuracy of address given by defendant for whom bail has been set; statement that address has been verified prerequisite to bounty hunter taking person into custody who has failed to appear in court; failure or negligence in verifying address results in bondsman and bounty hunter being jointly and severally liable for property damage, injury or death caused to third party by bounty hunter at given address. Amends TCA Title 40, Chapter 11, Part 3. by *Langster, *Head, *Jones U (Shelby). (*SB221 by *Dixon)

Further consideration of House Bill No. 1155 previously considered on May 29, 2001, at which time it was reset for today's Message Calendar.

Senate Amendment No. 2

AMEND House Bill No. 1155 By deleting the semi-colon and the word "and" and substituting instead a period at the end of amendatory subdivision (c)(3) of Section 1, as amended.

AND FURTHER AMEND by deleting in its entirety amendatory subdivision (c)(4) of Section 1, as amended.

Rep. Langster moved that the House nonconcur in Senate Amendment(s) No(s). 2 to **House Bill No. 1155**, which motion prevailed.

Senate Amendment No. 1

AMEND House Bill No. 1155 by deleting the amendatory language of Section 1(a) in its entirety and by substituting instead the following:

(a) A professional bondsman, who is authorized to act as surety for a criminal defendant, must verify the defendant's address information in order to ensure that the defendant's residential address is correctly identified. Until such verification is accomplished, the bondsman shall not supply such address information to any third party.

MONDAY, JUNE 4, 2001 – FORTY-SIXTH LEGISLATIVE DAY

Rep. Langster moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1155**, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 1267 -- Forest and Forest Products - Prohibits clear cutting in Standing Stone State Park. Amends TCA Title 11. by *Windle. (*SB281 by *Davis L, *Burks, *Williams)

Further consideration of House Bill No. 1267 previously considered on May 17, 2001 and May 29, 2001, at which time it was reset for today's Message Calendar.

Rep. Windle moved that House Bill No. 1267 be reset for the first Message Calendar of 2002, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 524** -- Juvenile Offenders - Requires department of children's services to report on child sexual abuse to house and senate House Judiciary Committees, house House Children and Family Affairs Committee, and select committee on children and youth by January 15 each year; adds house House Children and Family Affairs Committee to those receiving department's annual report. Amends TCA Title 37, Chapter 5 and Title 37, Chapter 1. by *Chumney. (SB984 by *Haynes)

Rep. Chumney moved that House Bill No. 524 be reset for the Message Calendar on June 6, 2001, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 248** -- Probation and Parole - Establishes statutory duties for private entities providing misdemeanor probation services and requires such entities to have \$25,000 performance bond and policy of liability insurance in effect and on file with appropriate clerk. Amends TCA Section 40-35-302. by *Scroggs. (SB479 by *Kyle)

Senate Amendment No. 2

AMEND House Bill No. 248 by deleting the final sentence of Section 1(g)(1)(A)(ii), which sentence reads as follows:

Such application shall be updated and refiled on an annual basis, no later than thirty (30) days prior to the anniversary of the date of filing of the previous application;

Rep. Scroggs moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 248**, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 1731** -- Safety - Alters certain requirements pertaining to use of certain restraint systems in passenger motor vehicles. Amends TCA Title 55, Chapter 9, Part 6. by *Ford J. (HB1559 by *Brooks, *Towns, *Turner (Hamilton), *Brown)

Rep. Brooks moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1 and 2 to **Senate Bill No. 1731**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1735 -- Alcoholic Beverages - Authorizes country club located on historic property in Hawkins County to serve alcoholic beverages for consumption on premises. Amends TCA Title 57, Chapter 4. by *Givens. (*SB1831 by *Cooper J, *Cohen)

Senate Amendment No. 2

AMEND House Bill No. 1735 by adding the following new sections immediately preceding the last section of the bill, as amended, and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 57-4-102(19), is amended by adding the following as a new, appropriately designated subdivision:

(19)(H) "Restaurant" also means a facility:

(i) Located off U.S. Highway 421 in any county having a population of not less than seventeen thousand four hundred seventy-five (17,475) nor more than seventeen thousand five hundred seventy-five (17,575), according to the 2000 federal census or any subsequent federal census;

(ii) Whose primary source of income is from serving meals to its patrons and has a total seating capacity of at least one hundred fifty (150) people; and

(iii) Which is located next to an eighteen (18) hole golf course.

SECTION __. Tennessee Code Annotated, Section 57-4-101, is amended by adding the following as a new, appropriately designated subsection:

(x) It is lawful to sell wine and other alcoholic beverages as defined in § 57-4-102, and beer as defined in § 57-6-102, to be consumed on the premises of any restaurant as defined in §57-4-102(19)(H), located in any county having a population of not less than seventeen thousand four hundred seventy-five (17,475) nor more than seventeen thousand five hundred seventy-five (17,575), according to the 2000 federal census or any subsequent federal census, subject to the further provisions of this chapter other than §57-4-103.

SECTION __. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

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Rep. Givens moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1735**, which motion prevailed by the following vote:

Ayes	83
Noes	8
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, Whitson, Williams, Windle, Mr. Speaker Naifeh -- 83.

Representatives voting no were: Baird, Beavers, Clem, Dunn, Godsey, Goins, Pinion, Wood -- 8.

Representatives present and not voting were: Bunch, Fowlkes, McDonald, White -- 4.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1618 -- Sunset Laws - Human rights commission, June 30, 2007. Amends TCA Title 4, Chapter 21 and Title 4, Chapter 29. by *Kernell, *Cooper B. (*SB120 by *Harper)

Senate Amendment No. 1

AMEND House Bill No. 1618 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-221(a), is amended by deleting item (25) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-222(a), is amended by adding a new item thereto, as follows:

() Human rights commission, created by Section 4-21-201;

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it.

Rep. Kernell moved that the House nonconcur in Senate Amendment(s) No(s). 1 to **House Bill No. 1618**, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Hood moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 526 out of order, which motion prevailed.

House Joint Resolution No. 526 -- Memorials, Professional Achievement - Dr. R. Eugene Smith, Interim President of MTSU and former Vice President for Business and Finance at University of Memphis. by *Hood.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hood, with the request that all members voting aye be added as sponsors, the resolution was adopted.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 448: Rep(s). Chumney as prime sponsor(s).

ENGROSSED BILLS

June 4, 2001

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1081, 1527, 1678, also, House Joint Resolution(s) No(s). 522, 523 and 524.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

June 4, 2001

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 140 and 141; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

June 4, 2001

The Speaker signed the following: House Resolution(s) No(s). 140 and 141.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 4, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 986 and 1585; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

June 4, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 648.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

June 4, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 526.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 4, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1843; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

June 4, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 648; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present.....95

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Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 2:00 p.m., Wednesday, June 6, 2001.